

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Selso Randy Orona,

Movant/Defendant,

v.

United States of America,

Respondent/Plaintiff.

No. CV-13-01625-PHX-SRB
CR11-00856-PHX-SRB
ORDER

Movant, Selso Randy Orona, filed a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody on August 9, 2013. The United States filed its response in opposition on November 25, 2013. Movant filed his amended reply on February 18, 2014. Movant also filed a Motion for Certificate of Appealability on December 20, 2013. Respondent filed its response on February 11, 2014 and Movant filed his reply on February 26, 2014. On March 28, 2014 Movant filed a second Motion for Certificate of Appealability.

The Magistrate Judge filed his Report and Recommendation on March 19, 2014 recommending that Movant's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 be denied. He further recommended that Movant's Motion for Certificate of Appealability filed December 30, 2013 be denied.

1 In his Report and Recommendation the Magistrate Judge advised the parties that
2 they had 14 days from the date of service of a copy of the Report and Recommendation
3 within which to file specific written objections with the Court. The time to file such
4 objections has since expired and no objections to the Report and Recommendation have
5 been filed.
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7 The Court finds itself in agreement with the Report and Recommendation of the
8 Magistrate Judge.
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10 IT IS ORDERED adopting the Report and Recommendation of the Magistrate
11 Judge as the Order of this Court. (Doc. 21)
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13 IT IS FURTHER ORDERED that Movant's Motion to Vacate, Set Aside or
14 Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 is denied.
15 (Doc. 1)
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17 IT IS FURTHER ORDERED that Movant's Motions for Certificate of
18 Appealability are denied. (Docs. 12 and 23)
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20 IT IS FURTHER ORDERED that a Certificate of Appealability and leave to
21 proceed *in forma pauperis* on appeal is denied because Movant has not made a
22 substantial showing of the denial of a constitutional right.

23 IT IS FURTHER ORDERED denying as moot Movant's Notice of Submitted
24 Matter. (Doc. 22)
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1 IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly
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4 Dated this 18th day of April, 2014.
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8 Susan R. Bolton
9 United States District Judge
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